

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Lisa R. Haines*

DATE:

*12/5/06*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re Application of: Timothy J. Cunningham, *et al.* Attorney Docket No.  
53844-5021-US1

Application No.: 10/714,699

Group Art Unit: 1649

Filed: November 17, 2003

Examiner: Robert C. Hayes, Ph.D.

Title: SMALL SURVIVAL-PROMOTING/IMMUNOMODULATORY PEPTIDE FOR TREATMENT OF BRAIN DAMAGE, NEURODEGENERATIVE DISORDERS, AND INFLAMMATORY DISORDERS

**RESPONSE TO RESTRICTION REQUIREMENT**

This Response is responsive to the Restriction Requirement mailed October 6 2006 (Paper No./Mail Date 20061002) in connection with the above-captioned application. This Response is being timely filed in view of the Petition for a One Month Extension of Time and accompanying fee being filed herewith, which extends the time for response up to and including December 6, 2006.

Responsive to the Restriction Requirement, Applicants hereby elect to prosecute the claims of Group I, claims 1-3 & 22 drawn to CHEC-9 neuron survival-promoting peptides. This election is made without prejudice to the inclusion of the subject matter of the non-elected claims in any later-filed divisional or continuation application(s).

This response is considered fully responsive to the Restriction Requirement.  
Accordingly, favorable examination of the claims is hereby requested.

12/5/06  
Date

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Respectfully submitted,

TIMOTHY J. CUNNINGHAM, et al.



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